

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

JOHN E. BARNHOUSE,

Plaintiff,

v.

JOHN DOES (3 PRISON GUARDS),  
ELDON VAIL, RON FRAKER, SGT.  
RENO, MICHAEL CHRISTENSEN,  
ZOVODNY, STEVE RAMSEY, AULA  
MOSLY, McLEAN, OFFICER STARK,  
HENDRICK, and DEAN HEAWARD,

Defendants.

No. C09-5154 RJB/KLS

ORDER DIRECTING PARTIES TO FILE  
JOINT STATUS REPORT

On April 29, 2011, District Judge Robert J. Bryan adopted the undersigned's Report and Recommendation (ECF No. 136), and granted Defendants' Motion for Summary Judgment (ECF No. 130), except as to Plaintiff's claims against James McLean and Malcolm Stark for excessive force under the Eighth Amendment and for retaliation under the First Amendment. ECF No. 137. All of Plaintiff's other claims against all the Defendants were dismissed with prejudice. *Id.*

In its Order, the District Court also requested Plaintiff to inform the Court if he intended to proceed with the claims remaining in this case against Mr. McLean and Mr. Stark. *Id.* In response, Plaintiff filed a "Motion to Proceed with Remaining Claims Against Defendants McLean and Stark." ECF No. 138. He further states that "we file claims against eldon vail Ron D fraker James Reno Michael christenssen Brianzavodny Steve Ramsey alva Mosely James Mcclean Malcolm stark Hendrick deren heaward [sic]." *Id.* However, Plaintiff's claims against

1 all Defendants *except* Defendants McLean and Stark for excessive force and retaliation have  
2 been dismissed with prejudice. This case shall proceed on those claims alone.

3 Accordingly, it is **ORDERED** that counsel for Defendants McLean and Stark and  
4 Plaintiff are directed to confer and provide the court with a joint status report by no later than  
5 **July 1, 2011**. The joint status report shall contain the following information by corresponding  
6 paragraph numbers:

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8 1. A short and concise statement of the case, including the remaining legal and factual  
9 issues to be determined at trial;

10 2. A narrative written statement from each party setting forth the facts that will be  
11 offered by oral or written documentary evidence at trial;

12 3. A list of all exhibits to be offered into evidence at trial;

13 4. A list of the names and addresses of all the witnesses each party intends to call along  
14 with a short summary of anticipated testimony of each witness.

15 5. Whether the parties agree to arbitration or mediation under this district's arbitration  
16 program, and if so whether the arbitration will be final and conclusive or the right to trial de  
17 novo will be preserved (see Local Rule CR 39.1(d));

18 6. Whether the case should be bifurcated by trying the liability issues before the damages  
19 issues, or specially managed in any other way;

20 7. Any other suggestions for shortening or simplifying the trial in this case;

21 8. The date the case will be ready for trial, considering Local Rule CR 16 deadlines;

22 9. The dates on which trial counsel are unavailable and any other complications to be  
23 considered in setting a trial date;

24 10. Whether the trial will be by jury or non-jury;

1 11. The number of trial days required, and suggestions for shortening trial;

2 12. The names, addresses, and telephone numbers of all trial counsel and unrepresented  
3 (pro se) parties who intend to appear at trial.

4 If the parties are unable to agree on any part of the report, they may answer in separate  
5 paragraphs. **Separate reports are not to be filed.** Plaintiff's counsel (or plaintiff, if *pro se*) will  
6 be responsible for initiating communications for the preparation of the joint status report.  
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8 The Clerk of Court is directed to send a copy of this Order to Plaintiff and to counsel for  
9 Defendants.

10 **DATED** this 23rd day of May, 2011.

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12 Karen L. Strombom  
13 United States Magistrate Judge  
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